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12	Attorneys for Defendant ARNOLD FISCHMAN		
13			
14			
15	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
16	OAKLAND DIVISION		
17			
18	UNITED STATES OF AMERICA,	No. CR 16—0246-HSG	
19	Plaintiff,	ADMINISTRATIVE MOTION AND	
19	v.	DECLARATION TO FILE EXHIBIT UNDER SEAL AND (PROPOSED) ORDER	
20		SEAL AND (TROTOSED) ORDER	
21	ARNOLD FISCHMAN,		
	Defendant.		
22			
23			
24			
25	I, Gail Shifman, hereby declare:		
26	1. I am an attorney licensed to practice law in the State of California, and along with William		
27	L. Osterhoudt represent Arnold Fischman in the above-entitled matter.		
28	ADMINISTRATIVE MOTION AND DECLARATION TO FILE EXHIBIT UNDER SEAL AND (PROPOSED) ORDER 1		

- 2. Pursuant to our representation, I am filing an Opposition to Government's Motion for Release Based on Exceptional Reasons Under 18 U.S.C. §3145(c).
- 3. Exhibit A to the motion for release is the Psychological Treatment Report from Dr. Bryant Welch, Mr. Fischman's treating psychologist.
- 4. This Court has the authority to order that documents be filed under seal. *See* Crim. L.R. 56-1; *see also United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987); *In re Sealed Affidavit(s) to Search Warrants*, 600 F.2d 1256, 1257 (9th Cir. 1979).
- 5. I declare that the Psychological Treatment Report contains personal information and is a confidential record of Mr. Fischman. See Crim. L.R. 32-7(a); *United States v. Schlette*, 842 F.2d 1574, 1583, as amended, 854 F.3d 359 (9th Cir. 1988) (discussing the strong presumption in favor of confidentiality with regard to the personal information contained in a presentence report).
- 6. In my professional opinion it is necessary to file the Psychological Treatment Report under seal to protect the confidentiality of the material within.
- 7. I will provide a courtesy copy of Exhibit A, the Psychological Treatment Report, to the Office of the United States Attorney via email and by U.S. mail.
- 8. For the reasons set forth above, the defense respectfully requests that the Court grant this motion to file Exhibit A under seal.

I declare under penalty of perjury that the foregoing is true and correct, except for those matters stated on information and belief, and as to those matters, I am informed and believe them to be true. Executed this 16^{th} day of September , 2016, at San Francisco, California.

/s/Gail Shifman		
GAIL SHIFMAN		

(PROPOSED) ORDER

Good Cause Appearing, upon application of Defendant, by and through counsel, IT IS HEREBY ORDERED that Exhibit A, to the Opposition to Government's Motion for Release Based on Exceptional Reasons Under 18 U.S.C. §3145(c) shall be filed under seal.

Dated: February 17, 2017

ADMINISTRATIVE MOTION AND DECLARATION TO FILE EXHIBIT UNDER SEAL AND (PROPOSED) ORDER 3